

**Board Meeting Minutes
June 13 & 14, 2002**

**Board for Professional Engineers and Land Surveyors
2535 Capitol Oaks Drive #300
Third Floor Conference Room
Sacramento, California 95833
(916) 263-2230**

Thursday, June 13, 2002

Board Members Present: Millicent Safran (President), Gregg Brandow (Vice-President), Arthur Duffy, James Foley, David Fruchtman, Andrew Hopwood, Michael Welch, and Dale Wilson.

Board Members Absent: David Chen, Kathryn Hoffman, and Stephen Lazarian

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), Janeece Sargis (Examination Analyst), Cindy Morris-Hoppe (Executive Analyst), Debbie Thompson (Budget Analyst), Joanne Arnold (Legislative & Enforcement Program Manager), Sally Strubinger (Enforcement Analyst), Ignacio Lopez-Alvarez (Staff Mechanical Engineer), and Eileen Crawford (Staff Civil Engineer)

Public Present: See Attached

1. Roll Call to Establish a Quorum

The meeting was called to order at 1:15 p.m. Roll call was taken, and a quorum was established. Mr. Duffy arrived at 1:20 p.m.

President Safran presented past President Vince DiTomaso with a proclamation and plaque commemorating his term as Board President and his years as a Board member.

2. Public Comment

Mr. Morris had land surveying questions relating to a pending complaint investigation, which he wanted to address to the Board because he said the responses he received from staff did not make sense. Mr. Duke and Ms. Ruff advised Mr. Morris that the Board could not hear his comments or questions because of the pending complaint investigation matter. Ms. Ruff,

Ms. Christenson, and Ms. Arnold agreed to meet with Mr. Morris outside the meeting room to discuss the matter.

Mr. Greenlaw addressed the Board regarding his criticisms of the staff, using examples from five to twenty years ago. The main point of his comments was to criticize staff and to implore the Board to not believe everything staff says, to not be friendly and sociable with staff, and to keep a closer eye on what staff does. He urged the Board members to set a new tone and take more control over what staff does.

3. Closed Session

The Board went into closed session at 1:55 p.m.

4. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board adopted the following passing scores for the April 2002 examinations:

- Seismic Principles 138 out of 276
- Engineering Surveying 165 out of 294
- Chemical 70 out of 100
- Civil 70 out of 100
- Electrical 70 out of 100
- Mechanical 70 out of 100
- EIT 70 out of 100
- LSIT 70 out of 100

Ms. Christenson reported that the Board discussed pending litigation as noticed.

Ms. Christenson also reported that the Board approved the successful and unsuccessful appeal results from the October 2001 examination.

Ms. Christenson reported that the Board adopted the results of the take-home examination for the candidate who had previously passed the 8-hour portion of the Electrical examination.

Ms. Christenson reported that the Board adopted the Stipulation regarding Mr. Jayant Lallubhai Gandhi, adopted the Stipulation regarding Mr. Morton Newman, denied the Petition for Reconsideration of Mr. Michael Laroue, and adopted the Default Decision regarding Mr. Andrew Kai-Kwong Chan.

5a. Approval of the Minutes of the April 25 & 26, 2002, Board Meeting.

MOTION: Vice-President Brandow/Mr. Hopwood moved to approve the minutes of the April 25 & 26, 2002, Board Meeting.

VOTE: 8-0, motion carried.

5b. Approval of Candidates for Certification/Licensure. (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)

MOTION: Mr. Hopwood/Mr. Foley moved to approve candidates for licensure and certification based on examination results, including successful appeal results and take home examination results, approved in closed session.

VOTE: 8-0, motion carried.

6. Approval of Delinquent Reinstatements.

MOTION: Mr. Hopwood/Vice-President Brandow moved to approve the Delinquent Reinstatements as follows:

Mechanical

- 1. Robert A. Cano**
Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination.
- 2. Richard T. Jones**
Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination.
- 3. Robert L. Lathrop**
Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.
- 4. Jon A. Longworth**
Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

VOTE: 8-0, motion carried.

7. Comity and Temporary Authorization Applications.

President Safran announced that the Temporary Authorization Application would be considered on Friday, June 14, 2002.

MOTION: Vice-President Brandow/Mr. Hopwood moved to approve the Comity applicants listed on Pages 33 & 34 of the Board agenda for licensure.

VOTE: 8-0, motion carried.

8. Appointment of Emeritus Board Members (Possible Action)

MOTION: Mr. Hopwood/Mr. Foley moved to reappoint the six current Emeritus Board Members, Ted Fairfield, George Shambeck, Quang Vu, Myrna Powell, and Marilyn Lyon, and to appoint Vincent DiTomaso and Leo Ruth as new Emeritus Board Members.

VOTE: 8-0, motion carried.

9. TAC Committee Term Limits (Possible Action)

MOTION: Mr. Foley/Mr. Hopwood moved to change the TAC Committee Term Limits from two terms to three terms.

VOTE: 8-0, motion carried.

10. Examinations/Qualifications

a. Temporary Authorization (Status)

Ms. Christenson reported that the regulatory language for Temporary Authorization is currently being worked on and will be presented for the Board's review and approval at an upcoming meeting.

b. Delinquent Licensees (Status)

Ms. Christenson reported that the regulatory language for Delinquent Licensees is currently being worked on and will be presented for the Board's review and approval at an upcoming meeting.

c. Five Year Credit for Master's Degree (Status)

Ms. Christenson reported that the language for Five-Year Credit for Master's Degree is being worked on and will be presented for the Board's review and approval at an upcoming meeting.

d. State Specific RFPs and Contracts (Status)

Ms. Christenson reported on the status of the PLS, SE, and the GE RFP's.

11. Administrative

a. Fund Condition (Possible Action)

Ms. Thompson reported on the changes to the fund condition dated May 23, 2002. Adjustments were made for personal services salary and benefit increases, reimbursement revenue increases, and a decrease in projected application and renewal revenue. Without the additional revenue generated from the proposed fee increases, the Board will face a \$1.3 million deficit in FY 2003/04.

b. FY 2001/02 Budget (Possible Action)

Ms. Thompson reported that, based upon the April 30, 2002, expenditure reports for the Board, the projected savings after budgeted expenditures is \$14,459. Significant changes to the budget include an additional projected savings of \$7,000 for the continued 5 vacancies that cannot be filled due to the State hiring freeze. Other projected expenditure changes include a decrease of \$9,000 for communications, a \$19,000 increase for postage, a \$28,000 increase for In-State Travel, a reduction of \$4,500 for Exam Contracts and an increase of \$5,000 for Attorney General expenses.

c. Fiscal Year 2003/04 BCPs (Possible Action)

Ms. Thompson reviewed the draft BCPs the Board is now preparing for FY 2003/04 as identified in the Board's agenda. The SME BCP was abandoned because an analysis of the Board's overall costs showed that SME line item increases were costs previously included under exam contracts that simply switched over to the SME line item. These costs were previously paid for by the exam development vendor but, effective with the contract renewal September 2001, were excluded from the contract scope of work. This was done because Board staff felt they could perform the services in a more cost-effective manner and thereby cut exam development contract costs.

Ms. Thompson reported that the BCPs would be submitted to the Board appointed subcommittee (Dr. David Chen and Mr. Andy Hopwood) for review after the Board meeting. Because Dr. Chen is out of the country, Ms. Safran appointed Mr. Jim Foley to review the BCPs with Mr. Andy Hopwood prior to their submittal to DCA

12. Legislative

a. Discussion of Legislation for 2002, including but not limited to: AB 269 (support), AB 2634 (support), SB 1244 (support), SB 1958 (watch), SB 2018 (support), SB 2024 (support), SB 2025 (support), SB 2027(watch), SB 2059 (watch). (Possible Action)

Ms. Arnold updated the Board on the status of the bills the Board is currently following. She advised the Board that there were two new bills, AB 2283 and SB 1347, that involved budget-related issues that the Board should be aware of.

MOTION: Mr. Hopwood/Mr. Foley moved to watch AB 2283, regarding the Government Code, relating to public agencies.

VOTE: 8-0, motion carried.

MOTION: Mr. Wilson/Mr. Hopwood moved to watch SB 1347, regarding the Government Code, relating to the state budget.

VOTE: 7-1, motion carried, Mr. Duffy, nay.

Ms. Arnold also advised the Board that SB 1244 will probably be amended so that it only relates to the Chiropractic Board; however, it has not yet been amended.

MOTION: Mr. Duffy/Mr. Wilson moved to change the Board's position from support to watch.

VOTE: 6-2, motion carried; Hopwood, Safran nay.

MOTION TO RECONSIDER: Mr. Wilson/Mr. Hopwood moved to reconsider the previous motion.

VOTE: 7-1, motion to reconsider carried; Duffy nay.

RECONSIDERATION VOTE ON PREVIOUS MOTION: 2-6; motion failed; aye votes: Brandow, Duffy; nay votes: Foley, Fruchtman, Hopwood, Safran, Welch, Wilson

b. Status of Regulations.

Ms. Arnold reported that the following regulations will be discussed/reviewed in 2002:

- Five Year Credit for ABET Masters Degree
- ABET Approval of Foreign Degrees
- LSIT experience requirement
- Temporary Authorization Review Panel
- Delinquent Reinstatement Requirements

Friday, June 14, 2002

Board Members Present: Millicent Safran (President), Gregg Brandow (Vice-President), Arthur Duffy, James Foley, David Fruchtmann, Andrew Hopwood, and Michael Welch.

Board Members Absent: David Chen, Kathryn Hoffman, Stephen Lazarian, and Dale Wilson.

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), Janece Sargis (Examination Analyst), Debbie Thompson (Budget Analyst), Joanne Arnold (Legislative & Enforcement Program Manager), Ignacio Lopez-Alvarez (Staff Mechanical Engineer), and Eileen Crawford (Staff Civil Engineer)

Public Present: See Attached

1. Roll Call to Establish a Quorum

The meeting was called to order at 10:10 a.m. Roll call was taken, and a quorum was established.

2. Public Comment

President Safran announced that, due to the air conditioning system still being out of order and how unbearably hot the meeting room had become the previous day, Public Comment would be limited to three minutes per speaker so that the Board meeting could move through its remaining items before the room became too hot.

Mr. Morris addressed the Board regarding his complaint that the staff is not being responsive to his letters and questions about the pending complaint investigation. Mr. Duke and Ms. Ruff again advised Mr. Morris that the Board could not hear his comments or questions because of the pending complaint investigation matter. Ms. Christenson recommended that Mr. Morris contact Lynn Morris, Department of Consumer Affairs Deputy Director of Board Relations, since he is not satisfied with the responses he is receiving from staff.

Mr. Greenlaw again addressed the Board regarding his criticisms of the staff. He urged the Board members to set a new tone and take more control over what staff does.

7. Comity and Temporary Authorization Applications.

George Annadale addressed the Board regarding his Temporary Authorization application to provide civil engineering services for the Colorado River Aqueduct Scour Analysis for the Metropolitan Water District of Southern California.

Vice-President Brandow, Mr. Foley, and Mr. Duffy interviewed Mr. Annadale regarding technical aspects of the project.

MOTION: Mr. Hopwood/Mr. Foley moved to grant Mr. Annadale's application for a 180-day Temporary Authorization.

VOTE: 7-0, motion carried.

13. Enforcement

a. Enforcement Program Update

1. Enforcement Outreach Program

Ms. Eissler advised the Board that Jacqueline Jenkins, the Enforcement Outreach Coordinator, had represented the Board at a consumer fair in San Diego on June 8. A more detailed report will be provided at the July 2002 Board meeting, along with information regarding some upcoming meetings that are scheduled.

2. Board Rules 475 & 476 (Codes of Professional Conduct) Rulemaking Status

Ms. Eissler advised the Board that all of the written comments received, as well as the oral comments presented at that morning's hearing, would be reviewed by staff and recommendations would be presented to the Board at the July 2002 meeting.

3. Board Rule 404 (Definitions) Rulemaking Status

Ms. Eissler advised the Board that this rulemaking proposal was noticed on May 31, 2002, and the 45-day written comment period will end on July 15, 2002. No hearing has been scheduled, but interested parties have until June 30, 2002, to request one.

b. Approval to Begin the Rulemaking Process to Amend Board Rules 404.1 and 404.2 (Definitions of Responsible Charge) (Possible Action)

Ms. Eissler advised the Board that she and Mr. Duke had developed possible language to amend into Board Rules 404.1 and 404.2 to address one licensee taking over a project from another licensee. After some discussion, the Board directed staff to send a copy of the report regarding the original development of the definition of responsible charge to all of the Board members since the newly-appointed Board members had not previously received it. The Board decided to postpone further discussion of or action on this item until its July 2002 Board meeting.

14. Technical Advisory Committee Reports (Possible Action)

a. Land Surveying (no meeting)

1. LS TAC Annual Budget and Workplan

MOTION: Mr. Welch/Mr. Hopwood moved to approve the FY 2002/03 Work Plan and Budget for the Land Surveyor Technical Advisory Committee.

VOTE: 7-0, motion carried.

b. Civil (no meeting)

1. CE TAC Annual Budget, Meeting Schedule, and Workplan

Mr. Duffy requested that the CETAC meet separately from the GETAC.

MOTION: Mr. Duffy/Mr. Hopwood moved to approve the FY 2002/03 Work Plan for the Civil Engineering Technical Advisory Committee.

VOTE: 7-0, motion carried.

MOTION: Mr. Duffy/Mr. Hopwood moved to approve the budget of \$6,000 for fiscal year 2002/03 for 3 separate CE TAC meetings.

VOTE: 7-0, motion carried.

c. Geotechnical (no meeting)

1. GE TAC Annual Budget, Meeting Schedule, and Workplan

President Safran appointed Mr. Hopwood as the public Board member liaison for the GE TAC in place of Mr. Lazarian.

MOTION: Mr. Foley/Mr. Hopwood moved to approve the FY 2002/03 Work Plan for the Geotechnical Engineering Technical Advisory Committee.

VOTE: 7-0, motion carried.

MOTION: Mr. Foley/Mr. Duffy moved to approve the budget of \$6,000 for fiscal year 2002/03 for 3 separate GE TAC meetings.

VOTE: 7-0, motion carried.

- d. **Structural Engineering (no meeting)**
1. **SE-TAC Annual Budget, Meeting Schedule, and Workplan**
- MOTION:** Vice-President Brandow/Mr. Hopwood moved to approve the FY 2002/03 Work Plan and Budget for the Structural Engineering Technical Advisory Committee.
- VOTE:** 7-0, motion carried.
2. **Appointment of SE TAC Member**
- MOTION:** Vice-President Brandow/Mr. Hopwood moved to reappoint Mr. Miyamoto as a member of the Structural Engineering Technical Advisory Committee for a term that expires on June 30, 2004.
- VOTE:** 7-0, motion carried.
- e. **Mechanical (no meeting)**
1. **ME-TAC Annual Budget and Workplan**
- MOTION:** Mr. Fruchtman/Vice-President Brandow moved to approve the FY 2002/03 Work Plan and Budget not to exceed \$6,000 and 3 meetings for the Mechanical Engineering Technical Advisory Committee.
- VOTE:** 7-0, motion carried.
- f. **Electrical Engineering (no meeting)**
1. **EE TAC Annual Budget and Workplan**
- MOTION:** Vice-President Brandow/Mr. Foley moved to approve the FY 2002/03 Work Plan and Budget not to exceed \$6,000 and 3 meetings for the Electrical Engineering Technical Advisory Committee.
- VOTE:** 7-0, motion carried.
2. **Appointment of EE-TAC Members**
- MOTION:** Vice-President Brandow/Mr. Foley moved to appoint Mr. Khalaf Hirmina, P.E., Mr. Rao Sunkara, P.E., and Mr. Arthur Sutton, P.E., to serve as members to the EE TAC effective July 1, 2002.

VOTE: 7-0, motion carried.

15. Liaison Reports (Possible Action)

a. ABET

Mr. Hopwood advised that he will be attending the ABET visit at Stanford October 10-12, 2002.

b. NCEES

Ms. Christenson reported on the items discussed at the Western Zone meeting that was held in Idaho in May. She advised the Board that NCEES has requested input from all of the members boards on its strategic plan, so that will be included on the Board's July 2002 agenda for discussion.

Vice-President Brandow reported that the Annual Meeting will be held in La Jolla from August 7-10, 2002, and that he hopes for good representation from our Board since it is in our home state.

Ms. Christenson will send information to all the new Board members and advised that all members can attend.

c. Technical and Professional Societies

No report given

16. President's Report

President Safran announced that she hopes that the Technical Advisory Committees can get back on track with regular meetings now that we have professional Board members.

17. Executive Officer's Report

1. Administration Report

a. Executive summary report

Ms. Christenson advised the Board that the statistical information was included in the agenda.

2. Personnel

a. Hiring freeze

b. Vacancies

Ms. Christenson reported that we have another staff vacancy since our Network Administrator accepted a position in the private sector. At this time, all hiring freeze exemption requests are on hold.

3. Enforcement/Examination/Licensing

a. College Outreach

Ms. Crawford reported that some College Outreach sessions have been scheduled for September 2002.

President Safran requested that Ms. Crawford send the dates and other information regarding any upcoming College Outreach sessions to the Board members in case they want to attend.

4. Publications/Website

a. Website activity

b. Bulletin

Ms. Christenson reported that due to the hiring freeze we have no staffing resources to publish the Bulletin.

Ms. Christenson stated she is working with staff to determine the feasibility of sending a postcard to all licensees explaining the situation and ask for an e-mail address so that we could notify them of updates to the website and then do monthly articles on the website.

5. Other

a. DCA update

Ms. Christenson provided a handout from the Institute of Social Research regarding the status of the Title Act Study.

18. Approval of Board Travel (Possible Action)

No Board travel

19. Other Items Not Requiring Board Action

a. Next Board meeting: July 25 & 26, 2002, Embassy Suites, Arcadia, California.

Mr. Foley, on behalf of the Board, thanked staff for putting together the Employee Recognition Luncheon and Orientation Workshop programs the day before. Mr. Foley stated that he had always found staff to be very responsive and very professional and that he is very supportive of staff and that staff has been very supportive of him as a Board member. He stated that he understands that there might be problems along the way, but the Board members and staff try and strive. He stated that he respects very much the opinions of all of the Board members and staff. He concluded by expressing his thanks to all of the staff members for their hard work and diligence. President Safran stated that she and the other Board members concur with Mr. Foley's opinion.

20. Adjourn

The Board adjourned at 11:25 a.m.

PUBLIC PRESENT

Tom Stout
George Shambeck, representing CLSA
Charles Greenlaw, SE
Terry Morris
Vincent DiTomaso, EE
Craig Copelan, representing PECG
Jim Feld